

Sayers-Roods v. Machado, August 19, 2022 - Plaintiff's Motion to Compel Subpoena Witness (B.T.)

EXHIBIT D

Legal Cease & Desist Notice to In-Concert Person of

Defendant Machado (Aug. 2022)

ATTN TO: Margen Nett, et al. - Legal Notice to Cease & Desist (re Violation of Cal. Civ. Code § 45-46)



From Peterson, Cary (Costanoan.Org - Legal Affairs) <legal@costanoan.org>
To <nerolisol@pronton.me>
Cc <rucha.chitnis@gmail.com>, Kanyon Sayers-Roods <ksr@costanoan.org>, Isharma <isharma@costanoan.org>, Tbishop <tbishop@costanoan.org>, Cheinz <cheinz@costanoan.org>, <lkuck@costanoan.org>, <aliu@rpflegal.com>, <jmajor@rpflegal.com>, <jbunting@costanoan.org>, Pedro Espinoza <pedro.espinoza@ci.gilroy.ca.us>
Date 2022-08-16 14:02
Priority Highest

- Forwarded Email re Margen Nett Libel Slander.pdf (~390 KB)
- (Doc. 46) Roods v Machado - Blaine Affidavit (re Def. Machado and RV Camper on Indian Canyon ... (~773 KB)
- USDC-CAND Doc 44 NOTICE OF Costanoan Tribal Court Order (Amended Restraining Order 7-29-2... (~5.7 MB)

Ms. Nett,

This legal notice to cease and desist is sent to your immediate attention concerning the email attachment hereunto, which contains a copy of a forwarded email message from you that was sent yesterday to Tribal Council President Kanyon Sayers-Roods.

The original email message sent by your email account (nerolisol@pronton.me) gives the appearance that you are sending electronic messages to random people who had or have some association with our tribal community or members of our tribal band. However, this email message, copied to Tribal Council President-Chair Sayers-Roods, contains allegations of violating state statutes on libel, slander, and cyber-harassment.

Libel includes the more permanent forms of defamatory matter; in California, it consists of a "writing, printing, picture, effigy, or other fixed representation to the eye." (Civ. Code § 45.) Slander is the more transitory form, generally restricted to oral statements and gestures. (See Cal. Civ. Code § 46. Electronic mail and web site postings are textbook examples of libel.

Cal. Civ. Code § 45 defines libel as "a false and unprivileged publication by writing, printing, picture, effigy, or other fixed representation to the eye, which exposes any person to hatred, contempt, ridicule, or obloquy, or which causes him to be shunned or avoided, or which has a tendency to injure him in his occupation." See Savage v. Pacific Gas & Elec. Co. (1993) 21 Cal.App.4th 434, 447.

653.2 PC – Electronic Cyber Harassment Law in California. California Penal Code 653.2 PC makes it a crime to send electronic communications (such as emails or text messages) with the intent of placing the recipient in reasonable fear for his or her safety or that of his or her immediate family.

Publishing, disseminating, or electronically transmitting false allegations of kidnapping and property theft violate the laws mentioned above, which are enforceable under 28 U.S.C. 1360, wherewith a non-Indian commits tort against a tribal government or tribal member.

This will be my first and last warning before resolving any future tort committed by you against our tribal community or tribal members via courts or state/federal law enforcement.

FYI: The RV camper you referenced was at no time property of Ms. Machado [see legal attachment: *RV Camper Owner Affidavit filed with the Federal Court*].

THEREFORE, THIS LEGAL NOTICE IS DEMANDING THAT YOU CEASE AND DESIST ALL CONDUCT THAT COMMITS, OR GIVES THE APPEARANCE OF, TORT VIA LIBEL, SLANDER, OR CYBER-HARASSMENT AGAINST COSTANOAN-CHUALAR INDIAN TRIBAL COMMUNITY OF INDIAN CANYON AND ITS TRIBAL MEMBERS OR PERSONNEL, WHEREBY VIOLATE CAL. PENAL CODE 653.2 PC, AND CAL. CIV. CODE 45-46.

NOTE: The Gilroy Police Department has been copied on this legal notice, as there is an open case (#22-141-0108) as to Ms. Machaco and her proxies stalking and harassing Ann-Marie And Christopher Sayers at healthcare centers and hospitals in Gilroy.

Also, I've attached a copy of the federal and tribal court order concerning the order of restraint against Machado and persons in-concert with her, as you appear to be in this instance.

You or an attorney representing you can contact me if you have any questions concerning this legal notice.

Regards,

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Cary Peterson
Chief Counsel
Costanoan Indian Research Inc.,
Tribal Council of Chualar Tribe of the Costanoan-Ohlone People,
Costanoan-Chualar Indian Tribal Community of Indian Canyon

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